



THE AIR REGULATIONS

24th MAY, 1951



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THE AIR REGULATIONS

TABLE OF CONTENTS

	PAGE
PART I. Short Title, Definitions and Interpretation	5
PART II. Registration, Airworthiness and Marking of Aircraft	13
PART III. Aerodromes	19
PART IV. Personnel Licensing	23
PART V. Rules of the Air	27
PART VI. Air Traffic Control	41
PART VII. Commercial Air Service Operations	43
PART VIII. General Provisions	45

THE AIR REGULATIONS

TABLE OF CONTENTS

PART I	Short Title, Definition and Interpretation	1
PART II	Registration, Airworthiness and Marking of Aircraft	11
PART III	Aircrews	19
PART IV	Personnel Licensing	23
PART V	Rules of the Air	27
PART VI	Air Traffic Control	41
PART VII	Commercial Air Service Operations	43
PART VIII	General Provisions	45

THE AIR REGULATIONS

PART I

SHORT TITLE, DEFINITIONS AND INTERPRETATION

PART I

SHORT TITLE, DEFINITION AND INTERPRETATION

- 1.1. These regulations may be cited as The Air Regulations.
- 1.2. In these regulations,
- 1.2.1 "*acrobatic flight*" means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed;
- 1.2.2 "*aerial survey*" means a recording from an aircraft, by any method, of features and properties of the earth;
- 1.2.3 "*aerodrome*" means a defined area on land or water (including any buildings, installation and equipment) intended to be used either wholly or in part for the arrival, departure, movement and servicing of aircraft;
- 1.2.4 "*aeroplane*" means a power-driven heavier-than-air aircraft, deriving its lift in flight from aerodynamic reactions on surfaces which remain fixed given conditions of flight;
- 1.2.5 "*aircraft*" means any machine that can derive support in the atmosphere from the reactions of the air;
- 1.2.6 "*airport*" means an aerodrome designated by the Minister as such and constituting a centre for aerial traffic and containing installations necessary for such traffic;
- 1.2.7 "*airport control*" means the service established to provide air traffic control for airports;
- 1.2.8 "*airport traffic*" means all traffic on the manoeuvring area of an airport and all aircraft flying in the vicinity of an airport;
- 1.2.9 "*airship*" means a power-driven lighter-than-air aircraft;
- 1.2.10 "*air traffic*" means all aircraft in flight and aircraft operating on the manoeuvring area of an airport;

- 1.2.11 "*air traffic clearance*" means authorization by air traffic control for an aircraft to proceed under specified conditions;
- 1.2.12 "*air traffic control*" means a service established to provide the safe, orderly and expeditious flow of air traffic;
- 1.2.13 "*area control*" means a service established to provide air traffic control for a control area;
- 1.2.14 "*balloon*" means a non-power-driven lighter-than-air aircraft;
- 1.2.15 "*ceiling*" means the lowest height at which a broken or overcast condition exists, or the vertical visibility when an obscured condition such as snow, smoke or fog exists, whichever is the lower;
- 1.2.16 "*civil aircraft*" means all aircraft other than military aircraft; ;
- 1.2.17 "*commercial aircraft*" means an aircraft operated or available for operation for remuneration or reward;
- 1.2.18 "*commercial air service*" means any use of aircraft for hire or reward;
- 1.2.19 "*contracting state*" means any state which is a party to the Convention on International Civil Aviation signed on behalf of Canada at Chicago on the seventh day of December, 1944;
- 1.2.20 "*control area*" means an airspace of defined dimensions, within which air traffic control is exercised;
- 1.2.21 "*controlled airport*" means an airport at which an airport control is established;
- 1.2.22 "*control zone*" means an airspace of defined dimensions within which rules additional to those governing flight in control areas apply for the protection of air traffic;
- 1.2.23 "*critical engine*" means the engine the failure of which gives the most adverse effect on the aircraft characteristics, relative to the case under consideration;

- 1.2.24 "*cruising altitude*" means an altitude, as shown by a constant altimeter indication in relation to a fixed and defined datum, maintained during a flight or portion thereof;
- 1.2.25 "*flight crew member*" means a licensed crew member charged with duties essential to the operation of an aircraft during flight time;
- 1.2.26 "*flight notification*" means specified information filed verbally or in writing with a responsible person relative to the intended flight of an aircraft outside the limits of control areas;
- 1.2.27 "*flight plan*" means specified information filed either verbally or in writing with air traffic control, relative to the intended flight of an aircraft;
- 1.2.28 "*flight time*" means the total time from the moment the aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight;
- 1.2.29 "*flight visibility*" means the average range of visibility forward from the cockpit of an aircraft in flight;
- 1.2.30 "*glider*" means a non-power-driven heavier-than-air aircraft, deriving its lift in flight from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
- 1.2.31 "*ground visibility*" means the visibility at an airport, as reported by an accredited observer;
- 1.2.32 "*gyroplane*" means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors which rotate freely on substantially vertical axes;
- 1.2.33 "*heavier-than-air aircraft*" means any aircraft deriving its lift in flight from aerodynamic forces;
- 1.2.34 "*helicopter*" means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more power-driven rotors on substantially vertical axes;
- 1.2.35 "*IFR*" means the instrument flight rules;
- 1.2.36 "*IFR weather conditions*" means weather conditions below the minima prescribed for flights under visual flight rules (VFR);

- 1.2.37 "*IFR flight*" means a flight conducted in accordance with the instrument flight rules;
- 1.2.38 "*international airport*" means an airport designated by the Minister as an airport of entry and departure for international air traffic, where the formalities incident to customs, immigration, public health, agricultural, quarantine and similar procedures are carried out;
- 1.2.39 "*landing*" in relation to an aircraft, means the act of coming in contact with a surface capable of supporting aircraft, and includes the immediately preceding and following acts; and in relation to an airship or free balloon means the act of bringing the airship or free balloon under restraint, and includes the immediately preceding and following acts;
- 1.2.40 "*lighter-than-air aircraft*" means any aircraft supported by its buoyancy in the air;
- 1.2.41 "*magnetic track*" means the angle measured clockwise from magnetic North to the path followed by an aircraft over the earth;
- 1.2.42 "*making way*" means that an aircraft is under way on the surface of the water and has a velocity relative to the water;
- 1.2.43 "*manoeuvring area*" means that part of an airport used for the take-off and landing of aircraft and for the movement of aircraft associated with take-off and landing;
- 1.2.44 "*Minister*" means the Minister of Transport or such other Minister as the Governor in Council may from time to time designate;
- 1.2.45 "*night*," within Canada, means between half an hour after sunset and half an hour before sunrise or as determined by the Minister;
- 1.2.46 "*operator*," with reference to an aircraft, means a person in possession or control of the aircraft, whether as owner, lessee, hirer, or otherwise, and includes the pilot or person in charge thereof;
- 1.2.47 "*operator*," with reference to an airport, means the holder of the airport licence, and includes the

person in charge of such airport, whether the employee, agent or representative of the holder of the airport licence;

- 1.2.48 "*ornithopter*" means a heavier-than-air aircraft supported in flight by the reactions of the air on planes to which a flapping motion is imparted;
- 1.2.49 "*overtaking aircraft*" means an aircraft that approaches another from the rear on a line forming an angle of less than 70° with the plane of symmetry of the latter; i.e. is in such a position with reference to the other aircraft that at night it should be unable to see either of the aircraft's forward lights;
- 1.2.50 "*owner*," with reference to an aircraft, includes:
- (a) a person in whose name the aircraft is registered;
 - (b) a person in possession of an aircraft as purchaser under a conditional sale or hire-purchase agreement that reserves to the vendor the title to the aircraft until payment of the purchase price or the performance of certain conditions; or
 - (c) a person in possession of an aircraft under a bona fide lease or hire agreement;
- 1.2.51 "*pilot-in-command*" means the pilot responsible for the operation and safety of the aircraft during the time defined as flight time;
- 1.2.52 "*private aircraft*" means all civil aircraft other than commercial aircraft;
- 1.2.53 "*state*," in relation to aircraft, means that the aircraft is owned by and is exclusively employed in the service of His Majesty in right of Canada, or in right of one of the Provinces of Canada, or of one of His Majesty's dominions;
- 1.2.54 "*taking off*," in relation to an aircraft, means the act of abandoning the support of a surface capable of supporting it and includes the immediately preceding and following acts; and in relation to an airship or balloon means the act of freeing the airship or balloon from restraint, and includes the immediately preceding and following acts;

- 1.2.55 "*under control*" means the execute manoeuvres as required by these regulations or by the regulations for preventing collisions at sea;
- 1.2.56 "*under way*" means to be on the surface of the water but not moored to the ground or to any fixed object on the land or in the water;
- 1.2.57 "*VFR*" means the visual flight rules;
- 1.2.58 "*VFR flight*" means a flight conducted in accordance with the visual flight rules;
- 1.2.59 "*VFR weather conditions*" means weather conditions equal to or above the minima prescribed for flight under VFR;
- 1.2.60 "*visibility*" means the distance at which prominent unlighted objects may be identified by day and prominent lighted objects by night.

- 1.2.55 "The first point" - the first point of the reformation is the reformation of the church. The church is the body of Christ, and it is the body of Christ that is to be reformed. The church is the body of Christ, and it is the body of Christ that is to be reformed. The church is the body of Christ, and it is the body of Christ that is to be reformed.
- 1.2.56 "The second point" - the second point of the reformation is the reformation of the church. The church is the body of Christ, and it is the body of Christ that is to be reformed. The church is the body of Christ, and it is the body of Christ that is to be reformed. The church is the body of Christ, and it is the body of Christ that is to be reformed.
- 1.2.57 "The third point" - the third point of the reformation is the reformation of the church. The church is the body of Christ, and it is the body of Christ that is to be reformed. The church is the body of Christ, and it is the body of Christ that is to be reformed. The church is the body of Christ, and it is the body of Christ that is to be reformed.
- 1.2.58 "The fourth point" - the fourth point of the reformation is the reformation of the church. The church is the body of Christ, and it is the body of Christ that is to be reformed. The church is the body of Christ, and it is the body of Christ that is to be reformed. The church is the body of Christ, and it is the body of Christ that is to be reformed.
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- 1.2.60 "The sixth point" - the sixth point of the reformation is the reformation of the church. The church is the body of Christ, and it is the body of Christ that is to be reformed. The church is the body of Christ, and it is the body of Christ that is to be reformed. The church is the body of Christ, and it is the body of Christ that is to be reformed.

THE AIR REGULATIONS

PART II

Section 1. Aircraft Registration

Section 2. Aircraft Airworthiness

Section 3. Aircraft Marking

PART II**SECTION 1****AIRCRAFT REGISTRATION**

- 2.1.1 No aircraft shall be flown unless it has been registered as herein provided and bears the prescribed nationality and registration marks, but this requirement does not apply to aircraft duly registered in a contracting state with which Canada has made a convention relating to inter-state flying.
- 2.1.2 Subject as hereinafter provided, the Minister may define the conditions under which and the mode in which aircraft may be registered in Canada.
- 2.1.3 No aircraft shall be registered in Canada unless:
- (a) it is a civil aircraft owned by a Canadian citizen or by a company or corporation created or incorporated under and subject to the laws of Canada or of a Province thereof, of which the president or chairman and two-thirds or more of the directors and other managing directors thereof are Canadian citizens or unless;
 - (b) it is a private aircraft licensed under the following conditions:
 - (i) it is owned by a subject of a contracting state;
 - (ii) it is operated from a base in Canada as the principal base of operations;
 - (iii) it is flown only in Canada or in the state of which the registered owner is a subject;
 - (iv) it is not based or operated beyond the territorial limits of Canada for a total of more than sixty days in any consecutive period of twelve months; and
 - (v) a journey log book is maintained in respect of the aircraft.
- 2.1.4 An aircraft purchased under a conditional sale or hire purchase agreement that reserves to the

vendor the title of the aircraft until payment of the purchase price or the performance of certain conditions may be registered in the name of the purchaser as owner, but registration of an aircraft shall not be evidence of ownership in a civil proceeding in which such ownership is in issue as between two or more claimants.

- 2.1.5 No aircraft shall be registered in Canada while it is registered in any other state, but it may be registered in Canada upon cancellation of an earlier registration in such other state.
- 2.1.6 Upon every registration in Canada the Minister shall assign to the registered aircraft a registration mark and shall grant a certificate of registration for which a fee of five dollars is payable.
- 2.1.7 When a registered aircraft has been destroyed or permanently withdrawn from use, the registered owner shall forthwith notify the Minister and the registration and certificate thereof shall be cancelled as from the date of such notification.
- 2.1.8 Certificates of registration shall remain valid unless they have lapsed or are suspended or cancelled.
- 2.1.9 Cancelled or suspended certificates of registration shall be returned without delay to the Minister.
- 2.1.10 Any certificate of registration of an aircraft may be suspended or cancelled at any time by the Minister for cause.
- 2.1.11 When the ownership of any aircraft registered in Canada is changed:
 - (a) the registered owner shall forthwith notify the Minister of such change of ownership;
 - (b) the certificate of registration shall lapse as from the date of such change of ownership; and
 - (c) the registration markings shall remain unchanged unless the aircraft is subsequently registered in any of His Majesty's dominions or in a foreign country.

SECTION 2

AIRCRAFT AIRWORTHINESS

- 2.2.1 Except aircraft flown wholly within Canada for the purpose of experiment test or demonstration, in accordance with prescribed conditions, no aircraft shall be registered until it has been certified as airworthy by the Minister.
- 2.2.2 Every aircraft entering Canada from abroad shall be in possession of a valid certificate of airworthiness by the proper authority of the state in which it is registered.
- 2.2.3 Certificates of airworthiness may be issued as directed by the Minister and may be limited to specified conditions.
- 2.2.4 Certificates of airworthiness shall not remain valid for a period exceeding twelve months except as may be directed by the Minister.
- 2.2.5 An aircraft type approval may be issued upon compliance with an approved standard of airworthiness as may be directed by the Minister.
- 2.2.6 Aircraft may be inspected at any time by an authorized representative of the Minister and the certificate of airworthiness of any aircraft may be suspended or cancelled in the event that such aircraft is deemed to be unsafe.
- 2.2.7 The taking off of an aircraft shall be conclusive evidence of its acceptance by the pilot-in-command as airworthy; the pilot-in-command shall be responsible that the gross weight does not exceed the maximum permissible authorized weight, that the load is properly disposed and secured, and that the aircraft is fit in all respects for the flight planned.
- 2.2.8 Any certificate relating to the airworthiness of an aircraft may be suspended or cancelled at any time by the Minister for cause.
- 2.2.9 A fee of five dollars is payable for a certificate of airworthiness of an aircraft conforming to a type

which has been certified as airworthy in any contracting state with which Canada has made a convention providing for the reciprocal acceptance of certificates of airworthiness; a fee of twenty-five dollars is payable for an aircraft type approval.

2.2.10 Certificates of airworthiness shall not remain valid unless the continuing airworthiness of the aircraft has been determined in accordance with the following requirements:

- (a) in the case of a scheduled commercial air service, the system of inspection and maintenance has been approved by the Minister;
- (b) in the case of a scheduled commercial air service, and in the absence of an approved maintenance and inspection system, the aircraft has been inspected and duly certified as airworthy by a qualified air engineer during the twenty-four hours elapsed time prior to a flight;
- (c) in the case of a commercial air service other than a scheduled commercial air service, the aircraft has been duly certified as airworthy in the aircraft log book by a qualified air engineer during the thirty hours' flight time preceding a flight or, in any event, during the seven days preceding a flight;
- (d) in the case of a commercial air service other than a scheduled commercial air service, the aircraft of a gross weight not exceeding four thousand pounds has been duly certified as airworthy by a qualified air engineer during the fifty hours flight time preceding a flight, or, in any event, during the thirty days preceding a flight;
- (e) in the case of a private aircraft, the owner has maintained that aircraft in an airworthy condition;
- (f) certificates of airworthiness shall not remain valid during the period of major repairs, major modifications or other circumstances

which may be defined by the Minister and shall not be renewed except by inspection and certification of the aircraft as may be directed by the Minister.

- 2.2.11 The Minister may prescribe further requirements for maintenance of aircraft as may be rendered necessary by the conditions under which the aircraft is operated.

SECTION 3

AIRCRAFT MARKING

- 2.3.1 The nationality mark of aircraft registered in Canada shall be the letters "CF" or such other letters as the Minister may determine, and the registration mark the assigned combination of three capital letters.
- 2.3.2 the aircraft nationality and registration marks shall be painted on or affixed to the aircraft as may be directed by the Minister.
- 2.3.3 The aircraft nationality and registration marks shall be kept clean and visible at all times.
- 2.3.4 An aircraft shall carry a fireproof identification plate inscribed with its nationality and registration marks, which plate shall be secured in a prominent position near the main entrance to the aircraft.

CONTENTS

1. The Air Regulations	1
2. The Air Regulations	1
3. The Air Regulations	1
4. The Air Regulations	1
5. The Air Regulations	1
6. The Air Regulations	1
7. The Air Regulations	1
8. The Air Regulations	1
9. The Air Regulations	1
10. The Air Regulations	1

THE AIR REGULATIONS

PART III

AERODROMES

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AERODROMES

- 3.1 No area of land or water shall be used as an airport unless it has been licensed as an airport as herein provided.
- 3.2 Airport licences may be issued as directed by the Minister and may be limited to specified conditions.
- 3.3 A fee of ten dollars is payable for a licence for an airport.
- 3.4 An airport licence may be suspended or cancelled by the Minister at any time for cause and shall cease to be valid two weeks after any change in the ownership of the airport unless sooner renewed to the new owner.
- 3.5 The airport licence shall be displayed to the public view at the airport.
- 3.6 Every licensed airport shall be marked by day and by night as may be from time to time directed by the Minister.
- 3.7 The operator of an airport shall be permitted to charge for the use of the airport only such fees as have been approved by the Minister for such airport, and the tariff of fees so approved shall be prominently displayed at the airport.
- 3.8 Aerodromes shall be operated under such conditions as may be directed by the Minister from time to time.
- 3.9 No person shall without authority of the Minister.
 - (a) mark any surface or place with any mark or display any signal calculated or likely to induce any person to believe that such surface or place is an aerodrome; or
 - (b) knowingly use or permit the use of an airport for any purposes other than those for which it is licensed.
- 3.10 No water-craft shall enter upon or cross that part of the water area of an airport that is required to be kept clear of obstruction for the safe, landing

and manoeuvring of aircraft, having regard to wind and weather conditions at the time, and every person in charge of a water-craft is guilty of a breach of these regulations if such craft enters upon or crosses such area when warned off by signal or otherwise.

- 3.11 Every airport and all aircraft and the goods therein shall at all times be open to inspection by any customs officer, immigration officer, officer or person holding or named in any Writ of Assistance or any officer of or other person authorized by the Minister, but no building used exclusively for purposes relating to the construction of aircraft or aircraft equipment shall be subject to inspection except upon the written order of the Minister.
- 3.12 All state aircraft shall have at all reasonable times the right of access to any airport, subject to the conditions of the airport licence.
- 3.13 The movement of persons or vehicles on the manoeuvring area of an airport or in such proximity to that area as to cause a hazard to aircraft is prohibited, except as authorized by the airport control tower, or when the airport control tower is not in operation, by the operator.
- 3.14 During daytime periods of poor visibility, lights existing for night lighting shall be operated whenever possible and insofar as may be necessary.
- 3.15 No lights shall be exhibited at or in the neighbourhood of an aerodrome which may endanger the safety of aircraft, whether by reason of glare, or by causing confusion with or preventing clear visual reception of the lights or signals prescribed in Part Five.
- 3.16 The operator of an airport may remove or cause to be removed from the water surface of such airport any logs or any other floating obstruction or obstacle which, in his opinion, constitute a menace to the safe operation of aircraft, and may convey or cause to be conveyed such logs or any thing causing or forming part of such obstruction

or obstacle to such place as he thinks proper and to be there disposed of in the following manner:—

- (a) Where the owner of the logs or other thing causing or forming such obstruction or obstacle is known, one month's notice in writing shall be given by registered post to the owner advising him of the amount of the cost incurred in removing and storing the logs and other thing and requiring the owner to pay such amount and take away the logs or other thing; in the event of failure on the part of the owner to pay the amount of such cost or take away such logs or other thing within the time specified in the notice, the logs or other thing may be sold, disposed of or destroyed in such manner as the Minister deems advisable, and the proceeds of any sale, after deducting the expenses thereof, shall be applied to make good the expense incurred by the operator in removing and storing the logs or other thing and any surplus shall be paid to the owner;
- (b) Where the owner of the logs or other thing causing or forming such obstruction or obstacle is not known, the logs or other thing may be sold, disposed of or destroyed in such manner as the Minister deems advisable, and the proceeds of any sale, after deducting the expenses thereof, shall be applied to make good the expense incurred by the operator in removing and storing the logs or other thing, and any surplus shall be paid to the Receiver General of Canada to form part of the Consolidated Revenue Fund.

- 3.17 The use of any licensed or unlicensed area for landing or taking off an aircraft shall be evidence of the acceptance by the pilot of the suitability of that landing area for the intended operation.

PERSONNEL LICENSING

It is hereby ordered that the following provisions shall be observed by all persons who are engaged in the operation of aircraft in the United Kingdom and in the Channel Islands and in the Isle of Man.

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PART IV

PERSONNEL LICENSING

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PART IV**PERSONNEL LICENSING**

- 4.1 A person shall not act as a flight crew member of an aircraft registered in Canada unless he holds a valid licence appropriate to his duties issued by or rendered valid by the Minister.
- 4.1.1 The requirements of 4.1 do not apply to flight crew members of aircraft registered in a country with which Canada has made a convention relating to interstate flying, who hold licences authorizing them so to act, issued by the appropriate authority in the country in which the aircraft is registered.
- 4.2 Persons other than flight crew members who are responsible for safety of air navigation may be required to be licensed as directed by the Minister.
- 4.3 Licences to flight crew members and other persons may be issued as directed by the Minister and shall be subject to such conditions as may be specified therein.
- 4.4 Flight instruction and authorization to a student for solo flying shall be such as to ensure that an aircraft piloted by a student does not constitute a hazard to safety.
- 4.5 No person shall pilot an aircraft or act as flight crew member of an aircraft while under the influence of intoxicating liquor or any narcotic or drug.
- 4.6 A fee not exceeding five dollars may be charged for any licence issued under this Part.
- 4.7 No person who is not a Canadian or a subject of a contracting state which grants reciprocal aeronautical privileges to Canadians on equal terms and conditions with subjects of such state shall be granted a licence authorizing him to act as a flight crew member or other person required to hold a licence under these regulations.

- 4.8 A licence issued to any flight crew member or other person required to hold a licence may be suspended or cancelled at any time by the Minister for cause, including failure to comply while outside of Canada with the provisions of these regulations.

A licence issued to any flight crew member or other person required to hold a licence may be suspended or cancelled at any time by the Minister for cause, including failure to comply with outside of Canada with the provisions of these regulations.

THE AIR REGULATIONS

PART V

RULES OF THE AIR

Section 1. General

Section 2. General Flight Rules

Section 3. Visual Flight Rules (VFR)

Section 4. Instrument Flight Rules (IFR)

Section 5. Lights and Visual Signals

PART V**SECTION 1****RULES OF THE AIR**

- 5.1.1 The Rules of the Air apply to all aircraft operating within Canada and aircraft bearing the nationality marks of Canada wherever they may be; provided that, when an aircraft of Canadian registry is within the territory of another state, these rules shall apply only insofar as they do not conflict with the rules of such other state.
- 5.1.2 Aircraft shall while over the high seas comply with the provisions of Annex 2 "Rules of the Air" to the Convention on International Civil Aviation (1944) and any amendment thereto.

SECTION 2**GENERAL FLIGHT RULES**

- 5.2.1 Aircraft shall be flown at all times in compliance with the requirements of this section and in addition shall comply with either the Visual Flight Rules in section three of this Part or with the Instrument Flight Rules in section four of this Part.
- 5.2.2 The pilot-in-command of an aircraft shall, before beginning a flight, ascertain whether the conditions permit the flight to be conducted in accordance with the visual flight rules or require compliance with the instrument flight rules.
- 5.2.3 Before beginning a flight, the pilot-in-command of an aircraft shall familiarize himself with all available information appropriate to the intended flight.
- 5.2.4 The pilot-in-command of an aircraft shall comply with air traffic control instructions received.

- 5.2.5 When so prescribed by the Minister visual flight may be conducted within control zones in IFR weather conditions without complying with the instrument flight rules.
- 5.2.6 When so directed by the Minister, aircraft being flown at night within control areas or control zones shall conform to the instrument flight rules.
- 5.2.7 Aircraft shall not be flown over areas where there are flight restrictions, the particulars of which have been duly published, except in accordance with the conditions of the restrictions or by specific permission of the Minister.
- 5.2.8 No person shall create a hazard to persons or property on the ground or water by dropping anything from an aircraft in flight.
- 5.2.9 A pilot-in-command of an aircraft shall not permit anything to be towed by the aircraft, except in accordance with requirements as may be directed by the Minister.
- 5.2.10 Parachute descents, other than emergency descents, shall not be made in control zones and control areas unless authorized by the Minister.
- 5.2.11 No person shall enter or attempt to enter any aircraft in flight or leave or attempt to leave any aircraft in flight except for the purpose of making a parachute descent, or give upon any aircraft in flight any gymnastic or other like exhibition.
- 5.2.12 No person in any aircraft shall carry out any acrobatic flying.
(a) so as to endanger air traffic, or
(b) over any city or town area or other populous district.
- 5.2.13 No person in any aircraft shall carry out any acrobatic flying or exhibition flying over any assembly of persons except when specifically arranged by the promoters of such assembly and authorized in writing by the Minister.
- 5.2.14 No person in any aircraft shall carry out any acrobatic flying unless he is the sole occupant

of the aircraft or is an authorized flying instructor actually engaged in giving dual instruction.

- 5.2.15 An aircraft shall not be operated in a negligent manner or in a reckless manner so as to endanger life or property of others.

- 5.2.16 The pilot-in-command of an aircraft operated on or in the vicinity of an aerodrome shall,

- (a) observe other aerodrome traffic for the purpose of avoiding collision;
- (b) conform with or avoid the pattern of traffic formed by other aircraft in operation;
- (c) make all turns to the left, when approaching for a landing and after taking off, unless otherwise directed by the Minister; but air traffic control may authorize a turn or partial turn to the right when desirable in specific instances;
- (d) land and take off, insofar as practicable, into the wind unless otherwise authorized by air traffic control;
- (e) maintain a continuous watch on the radio frequencies designated for airport control communications or, if such continuous watch is not possible, keep a watch for such instructions as may be issued by visual means when airport control is in operation;
- (f) obtain, either by radio or visual signal, such authorization for his movements as may be necessary for the protection of airport traffic, when airport control is in operation.

- 5.2.16.1 Flight over an aerodrome at a height lower than two thousand feet is prohibited for aircraft, except when aircraft are landing or taking off.

- 5.2.17 An aircraft shall not be operated in such proximity to other aircraft as to create a collision hazard.

- 5.2.17.1 Aircraft shall not be flown in formation except by prearrangement.

- 5.2.18 The aircraft that has the right-of-way shall maintain its course and speed, but nothing in this Part shall relieve the pilot-in-command of an aircraft from the responsibility of taking such action as will best avert collision; an aircraft that is required to keep out of the way of another shall avoid passing over or under, or crossing ahead of the other, unless passing well clear of it.
- 5.2.19 When two aircraft are on converging courses at approximately the same altitude, the aircraft that has the other on its right shall give way, except as follows:
- (a) power-driven heavier-than-air aircraft shall give way to airships, gliders and balloons;
 - (b) airships shall give way to gliders and balloons;
 - (c) gliders shall give way to balloons;
 - (d) power-driven aircraft shall give way to aircraft which are seen to be towing aircraft or other objects.
- 5.2.20 When two aircraft are approaching head-on or approximately so and there is danger of collision, each shall alter its course to the right.
- 5.2.21 An aircraft that is being overtaken has the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its course to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from this obligation until it is entirely past and clear of the other.
- 5.2.22 Aircraft in flight, or operating on the ground or water, shall give way to other aircraft landing or about to land.
- 5.2.23 When two or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, aircraft at the higher altitude shall give way to aircraft at the lower altitude, but the latter shall not take advantage of this

requirement to manoeuvre in front of another which is about to land, or to overtake that aircraft; power-driven heavier-than-air aircraft shall give way to gliders.

5.2.24 An aircraft shall not attempt to take off until there is no apparent risk of collision with other aircraft.

5.2.25 An aircraft that is aware that another is compelled to land shall give way to that aircraft.

5.2.26 When the pilot-in-command of an aircraft declares an emergency situation which requires air traffic control to give priority to such aircraft, the pilot-in-command shall make a report to air traffic control within forty-eight hours following such emergency situation.

5.2.27 Except when necessary for taking off or landing or except when specifically authorized, aircraft shall be flown,

(a) over the congested areas of cities, towns or settlements or over an open-air assembly of persons, at altitudes which will permit, in the event of failure of a power unit, an emergency landing without undue hazard to persons or property on the surface; the said altitudes shall be not less than one thousand feet above the highest obstacle within a radius of two thousand feet from the aircraft;

(b) when elsewhere than specified in paragraph (a), at an altitude not less than five hundred feet above the ground or water, unless the flight can be made without hazard to persons or property on the ground or water.

5.2.28 When an aircraft is operated in level cruising flight at one thousand feet or more above the surface of the ground or water the following cruising altitudes shall be observed:

(a) *within control zones and control areas*—at an altitude appropriate to the direction of flight as may be directed by the Minister;

- (b) *elsewhere*—when required to operate at a cruising altitude appropriate to magnetic track, the pilot-in-command of an aircraft shall select such altitude as may be directed by the Minister.
- 5.2.29 In areas in which the International Regulations for the Prevention of Collision at Sea are in force, aircraft operated on water shall comply with such regulations.
- 5.2.30 Aircraft in flight near the surface of the water shall, insofar as possible, keep clear of all vessels and avoid impeding their navigation.
- 5.2.31 By night, at airports used or available for night flying, aircraft parked or being moved on the manoeuvring area or in dangerous proximity thereto, shall be clearly illuminated or lighted, or the area which they occupy marked with obstruction lights; between sunset and sunrise an aircraft on the water and not under way shall display where it can best be seen, a white light visible all round the horizon at a distance of at least one mile unless within a specially exempted area.
- 5.2.32 The pilot-in-command of an aircraft shall file a flight plan prior to commencing an IFR flight within, or prior to entering, a control area or control zone.
- 5.2.33 The pilot-in-command of an aircraft may file a flight notification for any flight not requiring a flight plan; the Minister may require a flight notification to be filed for flights made under specified conditions.
- 5.2.34 If a deviation is made from a flight notification, the pilot-in-command shall, as soon as practicable, notify such change to the person or agency with whom the flight notification was filed.
- 5.2.35 The pilot-in-command of an aircraft for which a flight notification has been filed shall report his arrival at the earliest practicable moment after landing, to the person or agency with

whom the flight notification was filed, unless such person or agency was notified that no arrival report would be filed.

- 5.2.36 No single-engined landplane shall be operated over water beyond gliding distance from shore except as may be directed by the Minister; multi-engined landplanes unable to maintain flight by reason of the failure of the critical engine shall be deemed to be single-engined landplanes for the purpose of this regulation.

SECTION 3

VISUAL FLIGHT RULES (VFR)

- 5.3.1 Where compliance with this section is impossible, flights shall be made in accordance with Instrument Flight Rules, except as provided for Special VFR Flights.
- 5.3.2 Flights being made in accordance with visual flight rules in control zones and control areas may not change to instrument flight rules without the authorization of air traffic control.
- 5.3.3 When operating in accordance with visual flight rules, aircraft shall be flown with visual reference to the ground or water.
- 5.3.4 Flights within control zones, control areas and elsewhere shall be conducted in accordance with such VFR flight minima as may be directed by the Minister.
- 5.3.5 The amount of fuel and oil carried on board any aircraft at the commencement of flight shall be sufficient, anticipated wind and other weather conditions having been considered, to fly to the destination and thereafter for forty-five minutes at normal cruising consumption.
- 5.3.6 An aircraft shall not be flown under simulated instrument flight conditions unless.
- (a) fully functioning dual controls are installed in the aircraft; and

- (b) a competent pilot occupies a control seat to act as safety pilot for the person who is flying under simulated instrument conditions; the safety pilot shall have adequate vision forward and to each side of the aircraft, or a competent observer in communication with the safety pilot shall occupy a position in the aircraft from which his field of vision adequately supplements that of the safety pilot.

SECTION 4

INSTRUMENT FLIGHT RULES (IFR)

- 5.4.1 Flights not made in compliance with visual flight rules shall comply with the requirements of this section.
- 5.4.2 In control zones and control areas all flights made under instrument flight rules shall continue in accordance with instrument flight rules, regardless of weather conditions, unless air traffic control is notified.
- 5.4.3 A pilot may elect to conduct a flight under instrument flight rules (IFR) in conditions of visibility and distance from cloud equal to or better than VFR minima.
- 5.4.4 For flight under the requirements of this section, pilots shall be qualified as may be directed by the Minister.
- 5.4.5 For flight under the requirements of this section, an aircraft shall be equipped with instruments and radio apparatus as may be directed by the Minister.
- 5.4.6 Except as otherwise authorized by the Minister, a flight shall not be commenced unless, wind and other meteorological conditions expected having been considered, sufficient fuel and oil are carried to fly to the airport of intended landing, thence to an alternate airport and

thereafter for forty-five minutes at normal cruising speed; provided that flights made only in the vicinity of an airport are not contingent on the availability of an alternate airport.

- 5.4.6.1 When there are indications that traffic delays may be encountered the required quantities of fuel and oil additional to the minima required by this part shall be carried to meet such conditions.
- 5.4.7 The weather operating minima specified in the *Canada Air Pilot* or elsewhere specified and duly approved by the Minister shall govern all landings and take-offs made in accordance with instrument flight rules at an airport.
- 5.4.8 Except when necessary for take-off or landing, or except when specifically authorized by the Minister, aircraft shall be flown at an altitude of at least one thousand feet above the highest obstacle located within five miles of the aircraft in flight; but the Minister may require that flight over specified areas shall be conducted at a higher minimum altitude.
- 5.4.9 Prior to take-off from any point within or prior to entering a control area or control zone, a flight plan shall be filed with the appropriate air traffic control; a flight plan shall contain such information as may be directed by the Minister.
- 5.4.10 Except as otherwise authorized by the Minister, no flight shall be made in control zones and control areas unless the flight plan as submitted includes an alternate airport having a landing area suitable for the aircraft being used.
- 5.4.10.1 An alternate airport shall be included in the flight plan only when current forecasts show a trend indicating that the ceiling and visibility at such alternate airport will, at the expected time of arrival, be at or above such minima as may be directed by the Minister.
- 5.4.11 Prior to operating an aircraft in a control area or control zone, a traffic clearance based on the

flight plan shall be obtained from the appropriate air traffic control; aircraft shall be flown in accordance with an air traffic clearance and, unless otherwise authorized by air traffic control, shall follow the approved instrument approach procedures for the airports to be used; no deviations shall be made from the requirements of an air traffic clearance unless an emergency situation arises which necessitates immediate action in which case, as soon as possible after such emergency authority is exercised, the pilot-in-command of an aircraft shall inform the appropriate air traffic control of the deviation and, if necessary, obtain an amended clearance.

- 5.4.12 When in flight within control areas or control zones, the pilot-in-command of an aircraft shall ensure that a continuous listening watch is maintained on the appropriate radio frequency.
- 5.4.13 The time and altitude at which each designated reporting point is passed or the reporting points specified by air traffic control, together with any other required information shall be reported by radio as soon as possible to the appropriate air traffic control; in the absence of designated reporting points, position reports shall be made at intervals specified by air traffic control.
- 5.4.14 If unable to maintain two-way radio communication as required by this Part, the pilot-in-command of an aircraft shall comply with such procedures as may be directed by the Minister.
- 5.4.15 Aircraft shall be flown at the following cruising altitude:
- (a) *within control areas or control zones*—at an altitude approved by air traffic control;
 - (b) *elsewhere*—at an altitude above sea level appropriate to magnetic track as may be directed by the Minister.
- 5.4.16 The pilot-in-command of an aircraft making a flight for which a flight plan has been filed shall report his arrival to air traffic control as soon as possible after landing.

SECTION 5

LIGHTS AND VISUAL SIGNALS

- 5.5.1 The word "visible," when used with reference to lights in this section, means visible on a dark night with a clear atmosphere.
- 5.5.1.1 Lights displayed by power-driven heavier-than-air aircraft in accordance with this Part shall be as follows:
- (a) a forward red light displayed on the left side and a forward green light on the right side, either steady or flashing, each showing an unobstructed light between two vertical planes whose dihedral angle is 110° when measured to the left and right respectively of the aircraft from dead ahead; such forward lights shall be spaced laterally as far apart as practicable; they shall be visible at a distance of at least five miles;
 - (b) a rear steady white light, or flashing white, or alternating white and red, displayed as far aft as possible showing between two vertical planes a light visible aft throughout a dihedral angle of 140° bisected by a vertical plane through the longitudinal axis of the aircraft; this light shall be visible at a distance of at least three miles.
- 5.5.1.2 Seaplanes and amphibian aircraft on the surface of the water shall display lights in such manner as may be directed by the Minister.
- 5.5.1.3 By night all aircraft in flight or manoeuvring on the ground shall display lights as prescribed; between sunset and sunrise all aircraft under way on the water shall display lights as prescribed, and no other lights shall be displayed which may be mistaken for the lights prescribed by this Part.
- 5.5.2 Distress and urgency signals shall be in accordance with such directions as may be issued by the Minister; these directions shall not prevent

the use by aircraft in distress of any means at its disposal to attract attention and to make known its position and obtain help.

5.5.3 When light signals are displayed for the control of airport traffic they shall be in accordance with the signals prescribed in this section.

5.5.3.1 Directional light signals to aircraft in flight are as follows:

- (a) a steady green light means **"CLEARED TO LAND"**;
- (b) a steady red light means **"GIVE WAY TO OTHER AIRCRAFT AND CONTINUE CIRCLING"**;
- (c) a series of green flashes means **"RETURN FOR LANDING"**, and shall be followed at the proper time by a steady green light;
- (d) a series of red flashes means **"AIRPORT UNSAFE; DO NOT LAND"**.

5.5.3.2 Directional light signals to aircraft on the airport are as follows:

- (a) a steady green light means **"CLEARED FOR TAKE-OFF"**;
- (b) a steady red light means **"STOP"**;
- (c) a series of green flashes means **"CLEARED TO TAXI"**;
- (d) a series of red flashes means **"TAXI CLEAR OF LANDING AREA IN USE"**;
- (e) a flashing white light means **"RETURN TO STARTING POINT ON AIRPORT"**.

5.5.3.3 The firing of a red pyrotechnical light, whether by day or night and notwithstanding any previous instruction, means **"DO NOT LAND FOR THE TIME BEING"**.

5.5.3.4 By day and by night, a series of projectiles discharged at intervals of ten seconds, each showing on bursting, red and green lights or stars, means: **"YOU ARE IN THE VICINITY OF A PROHIBITED, DANGER OR RESTRICTED AREA, ALTER COURSE"**.

- 5.5.3.5 When ground signals are displayed for the control of airport traffic they shall be in accordance with such directions as may be authorized by the Minister.

BY TEST

COMMERCIAL AIRCRAFT

THE AIR REGULATIONS

PART VI

AIR TRAFFIC CONTROL

PART VI**AIR TRAFFIC CONTROL**

- 6.1 The Minister may specify those portions of the airspace and those airports where air traffic control will be provided, and may establish the agency, which is to supervise the provision of such service; air traffic control shall be provided as may be directed by the Minister.
- 6.2 No aircraft shall be flown in accordance with the instrument flight rules within control areas or control zones unless air traffic control has been provided with information on the movement of each such aircraft, such information being in the form as may be directed by the Minister.
- 6.3 No aircraft shall be subject to the control of more than one air traffic control unit at any given time.

PART VII**COMMERCIAL AIR SERVICE OPERATIONS**

- 7.1 No air carrier shall operate a commercial air service unless he holds a valid and subsisting certificate issued to him by the Minister certifying that the holder is adequately equipped and able to conduct a safe operation as an air carrier over a prescribed route or within a prescribed area.
- 7.2 The certificate shall be in such form as the Minister may determine and shall contain such terms and conditions as the Minister may direct for the operation of the service.
- 7.3 The operation of a commercial air service shall be conducted as may be directed by the Minister.
- 7.4 Any such certificate may be suspended or cancelled by the Minister for cause, including failure to comply beyond Canada with the provisions of these regulations.
- 7.5 The owner of every commercial aircraft shall make such returns with regard to the operation of that aircraft and furnish such particulars as the Minister may prescribe.

THE AIR REGULATIONS

PART VIII

GENERAL PROVISIONS

Section 1. General

Section 2. Certificates, Licences, Manuals,
Logs and Records

Section 3. Accidents and Boards of Inquiry

Section 4. Exemptions

THE AIR REGULATIONS

PART VIII

SECTION 1

GENERAL PROVISIONS

- 8.1.1 These regulations apply to all aircraft operating within Canada and aircraft bearing the nationality marks of Canada wherever they may be; provided that when an aircraft of Canadian registry is within the territory of another state, these regulations apply only insofar as they do not conflict with the regulations of such other state.
- 8.1.2 Explosives and other dangerous articles, other than those necessary for the operation or navigation of the aircraft or for the safety of the personnel or passengers on board, shall not be carried in an aircraft except as may be directed by the Minister.
- 8.1.2.1 No person shall send or take upon an aircraft any explosives without distinctly marking their nature on the outside of the package containing such explosives, and otherwise give notice thereof to the person in charge of the aircraft whose duty it is to receive such goods.
- 8.1.2.2 No aircraft carrying explosives shall carry a passenger other than the owner of the explosives or his accredited representatives; but this requirement does not apply to ammunition permitted for hunting or sporting purposes or as emergency equipment.
- 8.1.3 No aircraft carrying passengers shall take off or land by night at an unlighted aerodrome.
- 8.1.4 No aircraft shall fly over any area defined by Order in Council as a prohibited area under these regulations or so near thereto that the angle between the perpendicular and a line from

the aircraft to the nearest point of such prohibited area is less than twenty degrees; provided that where in any area or district whatsoever, any race, contest, exhibition or event of public interest is held or take place, these requirements shall apply with respect to such area or district and to such type or types of aircraft as may be specified by the Minister and to the same extent as if such area or district had been defined by Order in Council as a prohibited area.

- 8.1.4.1 No aircraft shall fly over any penitentiary in Canada, or over any prison or public institution or lands appertaining thereto as may be designated for the purpose of a penitentiary by the Governor in Council pursuant to the Penitentiary Act, and no aircraft shall be used for the purpose of obtaining any information whatsoever in regard to any such penitentiary, prison or public institution or lands appertaining thereto, or in regard to any fortress, arsenal, factory, dockyard, camp, ship, office or other like place in Canada belonging to His Majesty, or for the making of any photographs, sketches or plans of any such place or places without the permission of the Minister.
- 8.1.5 No photographic apparatus shall be installed in, nor shall any photographs be taken from any aircraft while operating in or over Canadian territory unless such aircraft is registered in Canada.
- 8.1.6 No person shall make an aerial survey over any part of Canada or the territorial waters of Canada without the permission of the Minister, except where the area to be surveyed is owned or leased by the operator of the aircraft and the operator is a Canadian citizen or a company or corporation created or incorporated under and subject to the laws of Canada or of a Province of Canada, of which the president or chairman and three-fourths or more of the

directors and other managing officers are Canadian citizens and in which at least seventy-five per centum of the voting interest is owned or controlled by Canadian citizens.

8.1.6.1 Every permission given under this part shall contain such terms and conditions as the Minister may deem necessary or advisable.

8.1.7 An aircraft may be required to land by any person authorized by the Minister or by an officer of Customs or Immigration or by any officer of the Royal Canadian Air Force on duty as such, and every aircraft to which a signal to land is made shall forthwith do so at the nearest practicable place to that from which the signal to land is made, unless the signal is made from within a prohibited area, in which case the aircraft shall land as near as possible to, but not within such area.

8.1.7.1 Any person who, without good and sufficient cause, makes any signal to land shall be guilty of a breach of these regulations, and the onus shall be upon such person to establish that he had such good and sufficient cause.

8.1.8 The owner of every aircraft shall upon notice by mail to his registered address from any person authorized by the Minister advise such person of the then condition and station of the aircraft.

8.1.9 Every person required to hold a licence or certificate under these regulations shall produce that licence or certificate at any time on demand by a peace officer or any officer of Customs or Immigration or any other person authorized by the Minister; the owner or pilot of an aircraft shall produce, upon like demand, all log books (including any notebooks) and other papers kept in relation to such aircraft.

8.1.10 Any cancelled, suspended or expired certificate or licence shall be forthwith delivered up to the Minister by the person to whom it was issued.

- 8.1.11 No aircraft of a state with which Canada has not concluded a convention relating to interstate flying shall fly over or alight in Canada except with the written permission of the Minister.
- 8.1.11.1 No aircraft shall engage in a commercial air service wholly within Canada unless it is registered in Canada as a commercial aircraft, or unless it is registered in a contracting state and special permission has been granted under these regulations.
- 8.1.11.2 If the Minister has reason to believe, on complaint or otherwise, that an aircraft within Canada is intended or is about to proceed on any flight in contravention of these regulations or while in a condition unfit for flight, he may give such directions and take such action, by way of the provisional detention of the aircraft, or otherwise in relation thereto, as may be necessary, for the purpose of causing the circumstances relating to the flight to be investigated, or the aircraft to be detained until he is satisfied that the regulations are being complied with, or until such alterations or repairs, as he may consider necessary to render the aircraft fit for flight have been made.
- 8.1.12 Where any aircraft flies in breach of these regulations the owner of the aircraft, as well as the pilot thereof, and any other member of the crew who has been a party to the breach, shall be liable, and where a breach of these regulations relates to the use of an airport, the operator thereof shall be liable, if such operator permitted or could reasonably have prevented such breach.
- 8.1.13 Any person who obstructs or impedes any person in the exercise of his powers and duties under these regulations shall be guilty of a breach thereof.
- 8.1.14 Failure to observe or comply with the conditions upon which any certificate or licence is issued shall be deemed to be a breach of these regulations.

- 8.1.15 Nothing in these regulations shall exonerate any aircraft, the owner or flight crew member thereof, from the consequences of any neglect in the use of lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of the air, or by the special circumstances of the case.
- 8.1.16 In conforming with these regulations due regard shall be had to all dangers of navigation and collision, and to any special circumstances which render a departure therefrom necessary in order to avoid immediate danger, and it shall be a good defence to any proceedings for a breach of these regulations if it is proved to have been due to stress of weather or other unavoidable cause.
- 8.1.17 Neglect of any precaution which may be required by the ordinary practice of the air or by the special circumstances of the case may be considered cause for the suspension of a certificate or licence issued under these regulations.

SECTION 2

CERTIFICATES, LICENCES, MANUALS, LOGS AND RECORDS

- 8.2.1 Every registered commercial aircraft in flight shall have on board its certificate of registration, certificate of airworthiness, the licences of all crew members requiring licences, the authority and licence for the equipment and working of the radio, if any, and a journey log book in which shall be entered such particulars as may be directed by the Minister.
- 8.2.2 There shall be kept an aircraft log book and an engine log book for each engine in which shall be entered such particulars as may be directed by the Minister.
- 8.2.3 Every registered private aircraft shall have on board its certificate of registration, certifi-

cate of airworthiness, the licences of all crew members requiring licences, and the authority and licence for the equipment and working of the radio, if any.

8.2.3.1 There shall be kept for every private aircraft a detailed engineering history, which shall include a complete record of flight time.

8.2.3.2 For an international flight there shall be carried a journey log book in which shall be entered such particulars as may be directed by the Minister.

8.2.4 Entries in log books shall be made in ink as soon as possible after the events they record; entries to be made in the journey log book may first be made in a notebook, but shall be permanently entered within twenty-four hours after the events recorded; all entries in log books shall be made by a competent person and signed by such person; no erasures shall be made in, nor any leaf torn from, any log book required to be kept by these regulations.

8.2.4.1 Log books shall be preserved for two years after the last entry therein.

8.2.4.2 On the first page of every new log book there shall be entered the last two entries from the immediately preceding log book.

SECTION 3

ACCIDENTS AND BOARDS OF INQUIRY

8.3.1 Where any person is killed or injured because of or on board any aircraft, the pilot and the owner thereof shall forthwith report the date and place of the accident by telegram and full particulars thereof by mail to the Minister; provided that the performance of these obligations by either the pilot or the owner shall relieve the other of them.

- 8.3.1.1 No aircraft involved in any accident causing death or injury to any person shall be removed or otherwise interfered with, without permission from the Minister; provided, however, that the aircraft or any part thereof may be displaced or removed as may be necessary to extricate persons, to remove mails, to prevent destruction by fire or other cause, or to avoid danger to persons or property.
- 8.3.1.2 In the case of an aircraft registered in Canada being damaged to such an extent that repairs other than ordinary running repairs or replacements are necessary, the owner or pilot thereof shall notify the Minister forthwith, giving particulars of such damage.
- 8.3.2 The Minister may constitute or authorize the constitution of Boards of Inquiry of one or more members for the purpose of investigating the circumstances of any accident or of any alleged breach of these regulations, and any Board of Inquiry so constituted shall have power to take evidence upon oath or otherwise.
- 8.3.2.1 Every person required to give evidence before a Board of Inquiry shall attend and give evidence upon being so required by writing under the hand of any member of the Board.
- 8.3.2.2 Any person who attends and gives evidence before any such Board of Inquiry shall be entitled to receive witness fees and travelling expenses according to the tariff of fees payable to witnesses in the Superior Court of the Province in which such evidence is given.

SECTION 4

EXEMPTIONS

- 8.4.1 These regulations do not apply,
(a) to military aircraft of His Majesty when manoeuvring under the authority of the Minister of National Defence;

- (b) to foreign military aircraft flying over or landing in Canada in accordance with the terms of any special permission;
- (c) to other aircraft or to persons or airports to the extent to which they have been relieved by the Minister from compliance therewith.

**A CONSOLIDATION
OF THE
AERONAUTICS ACT**

CHAPTER 3—R.S.C.—1927

as amended by:

8 George VI, Chapter 28, 1944
9-10 George VI, Chapter 9, 1945
14 George VI, Chapter 23, 1950
14 George VI, Chapter 50, 1950

NOTICE

All persons making use of this consolidation are reminded that it has no parliamentary sanction; that the amendments have been embodied only for convenience of reference, and that the original Acts should be consulted for all purposes of interpreting and applying the law.

A CONSOLIDATION
OF THE
AERONAUTICS ACT

An Act to authorize the control of aeronautics Chapter 3, R.S.C., 1927 as amended by Chapter 28 of the Statutes of 1944-45 and Chapter 9 of the Statutes of 1945 and Chapter 23 of the Statutes of 1950.

SHORT TITLE

1. This Act may be cited as the Aeronautics Short title.
Act, 1919. (c. 11, s. 1; 1922, c. 34, s. 7.)

PART I

2. In this Part, "Minister" means the Minister of Transport or such other Minister as the Governor in Council may from time to time designate, except that in any matter relating to defence, "Minister" means the Minister of National Defence. (1950, c. 23, s. 1.)

3. It shall be the duty of the Minister

Duties of
Minister.

- (a) to supervise all matters connected with aeronautics;
- (b) to undertake, and to co-operate with persons undertaking, such projects, technical research, study or investigation as in his opinion will promote the development of aeronautics in Canada; (1950, c. 23, s. 2)
- (c) to construct and maintain all Government aerodromes and air stations, including all plant, machinery and buildings necessary for their efficient equipment and upkeep;
- (d) to control and manage all aircraft and equipment necessary for the conduct of any of His Majesty's services;
- (e) to operate such services as the Governor in Council may approve;
- (f) to prescribe aerial routes;
- (g) to co-operate with other officers of His Majesty, and to assist in the carrying out of any services under their jurisdiction which may require aerial work of any nature, and to collaborate with

the officers employed in existing air services of His Majesty in such extension of their present work as the development of aeronautics may require;

- (h) to take such action as may be necessary to secure, by international regulation or otherwise, the rights of His Majesty in respect of His Government of Canada, in international air traffic; (1950, c. 23, s. 2.)
- (i) to co-operate with the officers of his Department on all questions relating to the air defence of Canada;
- (j) to co-operate with the Air Staffs or authorities of other governments or countries for any purposes pertaining to air services;
- (k) to investigate, examine and report on the operation and development of commercial air services within or partly within Canada or the limits of the territorial waters of Canada; (1950, c. 23, s. 2.)
- (l) to consider, draft and prepare for approval by the Governor in Council such regulations as may be considered necessary for the control or operation of aeronautics in Canada or within the limits of the territorial waters of Canada and for the control or operation of aircraft registered in Canada wherever such aircraft may be; and (1950, c. 23, s. 2.)
- (m) to perform such other duties as the Governor in Council may from time to time impose. (1919, c. 11, s. 3; 1922, c. 34, s. 7.)

Powers of
Minister to
make regula-
tions with
approval of
Governor in
Council.

4. (1) Subject to the approval of the Governor in Council, the Minister may make regulations to control and regulate air navigation over Canada and the territorial waters of Canada and the conditions under which aircraft registered in Canada may be operated over the high seas or any territory not within Canada, and, without restricting the generality of the foregoing, may make regulations with respect to: (1950, c. 23, s. 3.)

- (a) licensing pilots and other persons engaged in the navigation of aircraft, and the suspension and revocation of such licences;

- (b) the registration, identification, inspection, certification and licensing of all aircraft;
 - (c) the licensing, inspection and regulation of all aerodromes and air-stations;
 - (d) the conditions under which aircraft may be used or operated: (1950, c. 23, s. 3.) Operations of commercial services.
 - (e) the conditions under which goods, mails and passengers may be transported in aircraft and under which any act may be performed in or from aircraft or under which aircraft may be employed; (1950, c. 23, s. 3.)
 - (f) the prohibition of navigation of aircraft over such areas as may be prescribed, either at all times or at such times or on such occasions only as may be specified in the regulations, and either absolutely or subject to such exceptions or conditions as may be so specified;
 - (g) the areas within which aircraft coming from any places outside of Canada are to land, and the conditions to be complied with by any such aircraft;
 - (h) aerial routes, their use and control;
 - (i) the institution and enforcement of such laws, rules and regulations as may be deemed necessary for the safe and proper navigation of aircraft in Canada or within the limits of the territorial waters of Canada and of aircraft registered in Canada wherever such aircraft may be; (1950, c. 23, s. 3.)
- (2) Any regulations made under subsection (1) may authorize the Minister to make orders or directions with respect to such matters coming within this section as the regulations may prescribe. (1950, c. 23, s. 3.) Minister may carry out regulations by Ministerial order or direction.
- (3) Every person who violates the provisions of a regulation is guilty of an offence and is liable on summary conviction to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding one year or to both fine and imprisonment. (1950, c. 23, s. 3.) Offence and penalty.
- (4) Every person who violates an order or direction of the Minister made under a regulation is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand

dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. (1950, c. 23, s. 3.)

Governor in Council may prescribe compensation payable for death or injury, directly resulting from a flight undertaken in course of duty.

5. (1) The Governor in Council may make regulations prescribing the compensation to be paid, the persons to whom, and the manner in which, such compensation shall be payable, for the death or injury resulting directly from a flight undertaken in the course of duty in the public service of Canada or any person employed in the public service of Canada, or employed under the direction of any department of the public service of Canada.

(2) Such regulations shall not extend to the payment of compensation for any death or injury in respect of which provision for the payment of compensation or a gratuity or pension is made by any other Act, unless the claimant elects to accept the said compensation, instead of the compensation, gratuity or pension under any such other Act. (1922, c. 6, s. 1; 1944-45, c. 28, s. 5.)

PART II

Definitions.

6. (1) In this Part, unless the context otherwise requires:

"aircraft."

(a) "aircraft" means any machine used or designed for navigation of the air;

"air carrier."

(b) "air carrier" means any person who operates a commercial air service;

"Board."

(c) "Board" means the Air Transport Board;

"commercial air service."

(d) "commercial air service" means any use of aircraft in or over Canada for hire or reward;

"hire or reward."

(dd) "hire or reward" means any payment, consideration, gratuity or benefit, directly or indirectly charged, demanded, received or collected for the use of an aircraft by a person who, as owner, lessee, hirer, pilot or otherwise, has possession of or control over the aircraft or has directed the movement of the aircraft; (1950, c. 23, s. 4.)

"Minister."

(e) "Minister" means the Minister of Transport or the Minister designated by the Governor in Council under section two of this Act. (1944-45, c. 28, s. 6; 1945, c. 9, s. 1.)

(2) This Part does not apply to aircraft that "Application." are used by His Majesty's Forces or by any armed forces co-operating with His Majesty's Forces and bear the insignia or markings of His Majesty's Forces or any such forces. (1950, c. 23, s. 4.)

7. (1) There shall be a board to be known as "Air Transport Board" consisting of three members appointed by the Governor in Council.

(2) The members shall hold office during good Term of behaviour for a period of ten years but may be removed at any time for cause by the Governor in Council: provided that the members first appointed shall be appointed for periods of ten, seven and four years respectively. Office.

(3) Any retiring member shall be eligible for Re-appoint- re-appointment. ment.

(4) Each member shall be paid such sum for Payment of his services as the Governor in Council may from services. time to time determine.

(5) The Governor in Council shall designate Chairman. one of the members to be chairman of the Board.

(6) If any member of the Board by reason of Substitutes. absence or other incapacity is unable at any time to perform the duties of his office, the Governor in Council may appoint a temporary substitute member upon such terms and conditions as the Governor in Council may prescribe.

(7) No member of the Board shall either Independence directly or indirectly engage in manufacturing or of Members selling aircraft or in the Transport of goods or passengers by aircraft for hire or reward and no member of the Board shall be a shareholder, member, director or partner of any company, association or firm engaged in manufacturing or selling aircraft or in the Transport of goods or passengers by aircraft for hire or reward. of the Board.

(8) Two members of the Board shall form a Quorum. quorum.

(9) No vacancy on the Board shall impair the Vacancies. authority of the remaining members to act. (1944-45, c. 28, s. 6; 1945, c. 9, s. 2.)

7A. (1) The Board shall have full jurisdiction Jurisdiction. to inquire into, hear and determine any matter

(a) where it appears to the Board that any person has failed to do any act, matter or thing required to be done by this Act or

- any regulation, licence, permit, order or direction made thereunder by the Board, or that any person has done or is doing any act, matter or thing contrary to or in violation of this Part, or any such regulation, licence, permit, order or direction; or (1950, c. 23, s. 5.)
- Inquiries.** (b) where it appears to the Board that the circumstances may require the Board, in the public interest, to make any order or give any direction, leave sanction, or approval which by law it is authorized to make or give, or with respect to any matter, act, or thing which by this Part or any such regulation, licence, permit, order or direction is prohibited, sanctioned or required to be done. (1950, c. 23, s. 5.)
- Mandatory orders.** (2) The Board may order and require any person to do, forthwith, or within or at any specified time and in any manner prescribed by the Board so far as is not inconsistent with this Act, any act, matter or thing which such person is or may be required to do under this Part, or any regulation, licence, permit, order or direction made thereunder by the Board and may forbid the doing or continuing of any act, matter or thing which is contrary to this Part or any such regulation, licence, permit, order or direction and shall, for the purposes of this section, have full jurisdiction to hear and determine all matters, whether of law or fact. (1950, c. 23, s. 5.)
- Powers of a court.** (3) The Board shall, as regards the attendance, swearing and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry of and inspection of property and other matters necessary or proper for the due exercise of its jurisdiction, have all such powers, rights and privileges as are vested in a superior court of record.
- Enforcement of Board Orders.** (4) Any decision or order made by the Board may, for the purpose of enforcement thereof, be made a rule, order or decree of the Exchequer Court or of any superior court of any province of Canada and shall be enforced in like manner as any rule, order or decree of such court.
- Practice and procedure.** (5) To make a decision or order of the Board a rule, order or decree of any such court, the practice and procedure authorized by section forty-nine of the Railway Act may be followed with such variations as circumstances may require. (1945, c. 9, s. 3.)
- R.S., c. 170.

7B. (1) The Board may order that any person resident or present in Canada may be examined upon oath before, or make production of books, papers, documents or articles to the Board, or any member of the Board, or before or to any officer of the Board, or before or to any other person named for the purpose by the order of the Board, and may make such orders as seem proper for securing the attendance of such witness and his examination, and the production by him of books, papers, documents, or articles, and the use of the evidence so obtained, and otherwise exercise, for the enforcement of such orders or punishment for disobedience thereof all powers that are exercised by any superior court in Canada for the enforcement of subpoenas to witnesses or punishment of disobedience thereof: provided that no person shall be compellable, against his will, to attend for such examination or production at any place outside the province in which he is served with the order of the Board for the purpose, and that every person attending pursuant to subpoena shall, in the discretion of the Minister or the Board, be entitled to receive fees and allowances as if summoned to appear before the Exchequer Court.

Witnesses
and
evidence.

Proviso.

(2) The Board may issue commissions to take evidence in a foreign country, and make all proper orders for the purpose, and for the return and use of the evidence so obtained. (1945, c. 9, s. 3.)

Commissions
to take
evidence in
foreign
countries.

8. The Board may make rules for the regulation of its proceedings and the performance of its functions and duties under this Act. (1944-45, c. 28, s. 6.)

Rules of
the Board.

9. Subject to the direction of the Minister, the Board shall from time to time make investigations and surveys relating to the operation and development of commercial air services in Canada and relating to such other matters in connection with civil aviation as the Minister may direct. (1944-45, c. 28, s. 6.)

Investigation
and
surveys.

10. The Board shall from time to time make recommendations to the Minister with reference to any investigation or survey made by it and shall advise the Minister in the exercise of his duties and powers under this Act in all matters relating to civil aviation. (1944-45, c. 28, s. 6.)

Recommendations.

Regulations.

11. Subject to the approval of the Governor in Council, the Board may make regulations—

- (a) requiring air carriers to file with the Board returns with respect to their capital, traffic, equipment, working expenditure and any other matters relating to the operations of commercial air services;
- (b) requiring any person to furnish information respecting ownership, transfer, consolidation, merger or lease of any proposed transfer, consolidation, merger or lease of commercial air services;
- (c) requiring copies of agreements respecting any such consolidation, merger, lease or transfer, copies of mail contracts and proposed mail contracts and copies of agreements affecting commercial air services to be filed with the Board;
- (cc) establishing classifications or groups of air carriers or commercial air services; (1950, c. 23, s. 6.)
- (d) prohibiting the transfer, consolidation, merger or lease of commercial air services except subject to such conditions as may by such regulations be prescribed;
- (dd) excluding from the operation of the whole or any part of this Part or any regulation, order or direction made or issued pursuant thereto, any air carrier or commercial air service or class or group of air carriers or commercial air services; (1950, c. 23, s. 6.)
- (e) prescribing fees for licences to operate commercial air services and requiring applicants for such licences to furnish information respecting their financial position, their relation to other air carriers, the nature of the proposed routes, the proposed tariffs of tolls and such other matters as the Board may consider advisable;
- (f) prescribing forms for the purposes of this Part;
- (g) respecting traffic, tolls and tariffs, and providing for the disallowance or suspension of any tariff or toll by the Board, the substitution of a tariff or toll satisfactory to the Board or the prescription by the Board of other tariffs or tolls in lieu of the tariffs or tolls so disallowed; (1950, c. 23, s. 6.)

- (gg) respecting the manner and extent to which any regulations with respect to traffic, tolls or tariffs shall apply to any air carrier licensed by the Board or to any person operating an international air service pursuant to any international agreement or convention relating to civil aviation to which Canada is a party; (1950, c. 23, s. 6.)
- (h) prescribing the term of the licence and providing for renewal thereof;
- (i) prescribing maximum hours and other working conditions for pilots and co-pilots employed by any air carrier;
- (j) prescribing forms of accounts and records to be kept by air carriers, and providing for access by the Board to such records;
- (k) prescribing penalties, enforceable on summary conviction, for— Penalties.
 - (i) contravention of or failure to comply with this Part or any such regulations or any direction or order made by the Board pursuant to this Act or such regulations, or
 - (ii) making any false statement or furnishing false information to or for the use or information of the Board, or
 - (iii) making any false statement or furnishing false information when required to make a statement or furnish information pursuant to any regulation, direction or order of the Board;

such penalties not to exceed a fine of five thousand dollars or imprisonment for six months, or both such fine and such imprisonment.
- (1) providing for the effective carrying out of the provisions of this Part. (1944-45, c. 28, s. 6; 1945, c. 9, ss. 4 and 5.)

11A. Notwithstanding any previous contract or commitment or any other general or special Act or provision, no air carrier shall issue free or reduced rate transportation except with the approval in writing of the Board and under such terms, conditions and forms as the Board may direct. (1945, c. 9, s. 6.) Free and reduced rate transportation.

12. (1) Subject to the approval of the Minister, the Board may issue to any person applying therefor a licence to operate a commercial air service. Licences.

Not to be issued to persons engaged in other than aircraft transport.

(2) No such licence shall be issued in respect of a commercial air service, owned, leased, controlled or operated by any person who is engaged in the transport of goods or passengers for hire or reward by means other than aircraft unless the Governor in Council is of opinion that it is in the public interest that such licence be issued.

Only in case of public convenience and necessity.

(3) The Board shall not issue any such licence unless it is satisfied that the proposed commercial air service is and will be required by the present and future public convenience and necessity.

Exception.

(3A) The Board may exempt from the operation of the whole or any part of subsection three, any air carrier or commercial air service or any class or group thereof, except a scheduled commercial air service operating wholly within Canada or the operator thereof, either generally or for a limited period or in respect of a limited area, if in the opinion of the Board such exemption is in the public interest. (1950, c. 23, s. 7.)

Operating certificate necessary.

(4) Notwithstanding the issue of a licence under subsection (1), no air carrier shall operate a commercial air service unless he holds a valid and subsisting certificate issued to him by the Minister certifying that the holder is adequately equipped and able to conduct a safe operation as an air carrier over the prescribed route or in the prescribed area. (1950, c. 23, s. 7.)

Routes and conditions.

(5) In issuing any licence, the Board may prescribe the routes which may be followed or the areas to be served and may attach to the licence such conditions as the Board may consider necessary or desirable in the public interest, and, without limiting the generality of the foregoing, the Board may impose conditions respecting schedules, places of call, carriage of passengers and freight, insurance, and subject to the Post Office Act, the carriage of mail. (1950, c. 23, s. 7.)

R.S., c. 161.

Licence to T.C.A.

(6) The Board shall upon application grant to Trans-Canada Air Lines a licence to operate a commercial air service under such terms and subject to such conditions as will enable Trans-Canada Air Lines to perform any agreement made, under sections fifteen or twenty-five of The Trans-Canada Air Lines Act, 1937, between the Minister of Transport and Trans-Canada Air Lines or between the Minister of Transport and any corporation created under Section twenty of the said Act. (1950, c. 23, s. 7.)

1937, c. 43.

(7) The Board may issue a licence which differs from the licence applied for and may suspend, cancel or amend any licence or any part thereof where, in the opinion of the Board, public convenience and necessity so requires.

Suspension,
cancellation
or amendment.

(8) Where the Board suspends, cancels or amends a licence or any part thereof, refuses to issue a licence applied for, or attaches conditions to which the applicant objects, an appeal may be made to the Minister.

Appeals to the
Minister.

(9) Where in the opinion of the Board, an air carrier has violated any of the conditions attached to his licence the Board may cancel or suspend the licence.

Cancellation
or suspension
of licence.

(10) Any air carrier whose licence has been so cancelled or suspended may appeal to the Minister.

Appeal.

(11) The Board may make rules limiting the time and prescribing the manner in which appeals to the Minister may be made. (1944-45, c. 28, s. 6. 1945, c. 9, s. 28-9.)

Rules as to
appeals.

13. Repealed 1950, c. 23, s. 8.

Reviewing
of former
licences.

14. Repealed 1950, c. 23, s. 8.

1938, c. 53.

15. (1) No person shall operate a commercial air service unless he holds a valid and subsisting licence issued under section twelve. (1950, c. 23, s. 9.)

Former
licences

continued.

1938, c. 53.

No operation
without licence.

(2) Every person who violates subsection (1) of this section is guilty of an offence and is liable upon summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment. (1950, c. 23, s. 9.)

Offence
and
penalty.

(3) Where a person guilty of an offence under subsection (2) is a corporation, every person who at the time of the commission of the offence was a director or officer of the corporation is guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent, or that he exercised all due diligence to prevent the commission of such offence. (1950, c. 23, s. 9.)

Penalty to
directors or
officers of
corporation.

16. The Governor in Council may authorize the Minister to enter into a contract with any air carrier for the grant of such assistance, financial or otherwise, as may be specified by the Governor in

Governor in
Council may
grant
assistance.

Council payable out of moneys to be appropriated by Parliament for that purpose. (1944-45, c. 28, s. 6.)

Powers subject to international agreement.

17. The powers conferred by this Part on the Board shall be exercised subject to any international agreement or convention relating to civil aviation to which Canada is a party. (1945, c. 9, s. 11.)

Appeal from Board to Supreme Court of Canada.

18. (1) An appeal shall lie from the Board to the Supreme Court of Canada upon a question of jurisdiction or a question of law, or both, upon leave therefor being obtained from a judge of the said Court upon application made within one month after the making of the order, decision, rule or regulation sought to be appealed from or within such further time as the judge under special circumstances shall allow, and upon notice to the parties and the Board, and the costs of such application shall be in the discretion of the judge.

Court to certify opinion to Board and Board to order accordingly.

(2) On the hearing of any appeal, the Court may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

Costs, rules and practice.

(3) The Court may fix the costs to be paid upon such appeals, and the rules and practice applicable to appeals from the Exchequer Court shall be applicable to appeals under this section. (1944-45, c. 28, s. 6.)

PART III

Regulations to be published.

19. Repealed by 1950, c. 50, s. 10.

To be laid before Parliament.

20. Repealed by 1950, c. 50, s. 10.

Employment of officers, clerks and employees.

21. Such officers, clerks and employees as may be necessary for the proper administration of this Act, may be employed in the manner authorized by law. (1944-45, c. 28, s. 6.)

Civil Service Superannuation rights preserved. R.S., c. 24.

22. A civil servant who prior to or at the time of his appointment under this Act as a member of the Air Transport Board was or is a contributor under the provisions of the Civil Service Superannuation Act shall be eligible, notwithstanding the provisions of the Civil Service Superannuation Act,

to continue to be a contributor under the said Act; his service under this Act shall be counted as service in the Civil Service for the purposes of the Civil Service Superannuation Act and he, his widow and children, or other dependents, if any, shall be eligible to receive the respective allowances or gratuities provided by the said Act; and in the event of his being retired from his office or position under this Act for any reason other than that of misconduct, he shall be eligible to receive the same benefits under the Civil Service Superannuation Act as if his office or position has been abolished. (1944-45, c. 28, s. 6.)

23. All salaries mentioned herein and all Salaries and expenses. expenses incurred under the provisions of this Act shall be paid out of such money as may be appropriated by Parliament therefor. (1944-45, c. 28, s. 6.)

24. A prosecution for any offence under this Prosecution within twelve months. Act or any regulations made thereunder may be commenced at any time within twelve months from the time the offence is committed. (1950, c. 23, s. 10.)

25. In any action or proceedings under this Act Proof of documents. or any regulations made thereunder

- (a) any document purporting to be certified the Secretary or Assistant Secretary of the Air Transport Board and sealed with the seal of the Board or any document purporting to be certified by the Secretary of the Department of Transport to be a true copy of any minute, decision, licence, permit, certificate, order instruction, book of reference book entry or other document or any part thereof shall without proof of the signature of the Secretary or Assistant Secretary of the Board or of the Secretary of the Department of Transport, as the case may be, be prima facie evidence of the original document of which it purports to be a copy, made, given, or issued by or by the authority of or deposited with the Minister or the Board, as the case may be, and that the same was made, given, issued or deposited at the time stated in the certificate, if a time is stated therein, and is signed, certified, attested, or executed by the persons by whom and in the manner in which the same purports to be signed, cer-

tified, attested or executed as shown or appearing from such certified copy. (1950, c. 23, s. 10.)

- (b) A certificate purporting to be signed by the Secretary or Assistant Secretary of the Air Transport Board and sealed with the seal of the Board or a certificate purporting to be signed by the Secretary of the Department of Transport, stating that a valid and subsisting licence, permit, certificate or other document of authorization under this Act or any regulation made thereunder, has or has not been issued by the Minister or the Board, as the case may be, to a person or persons named in the said certificate, is prima facie evidence of the facts therein stated, without proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof. (1950, c. 23, s. 10.)



